

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(Miami Division)
Case No. 1:24-cv-22849-Civ-Ruiz

NERLYNE AUGUSTE,

Plaintiff,

vs.

DESH INCOME TAX &
IMMIGRATION SERVICES, LLC,
and MAGDALA NICLASSE,

Defendants.

**DEFENDANTS' AGREED MOTION FOR EXTENSION OF TIME FOR BOTH
PARTIES TO SERVE DISCOVERY RESPONSES AND ONE WEEK EXTENSION
OF TIME TO COMPLETE DEPOSITIONS IF MEDIATION IS UNSUCCESSFUL**

Defendants, DESH INCOME TAX & IMMIGRATION SERVICES, LLC, and MAGDALA NICLASSE, in accordance with Federal Rule of Civil Procedure 6(b)(1)(A), hereby move for an extension of time until and including January 23, 2025 for both parties to serve their discovery responses and an additional one week extension of the current discovery deadline, until and including February 11, 2025, so that the parties will have sufficient time to complete depositions in the event the mediation currently scheduled for January 29, 2025 does not result in a settlement. In support thereof, Defendants state as follows:

1. The Court's Order Setting Jury Trial, Requiring Mediation, and Referring Certain Matters to Magistrate Judge [Doc. 18] entered October 9, 2024,

requires that all discovery be completed by February 4, 2025, and mediation completed by February 11, 2025.

2. The parties' Joint Notice of Mediator Selection and Hearing Date [Doc. 23] was filed October 29, 2024 and on October 30, 2024, the Court entered an Order Scheduling Mediation for January 29, 2025, with Neil Flaxman, Esq. [Doc. 24].

3. Each of the parties has served written discovery, with responses due the week of January 13, 2025, but following a teleconference on January 15, 2025 to discuss settlement in advance of the mediation, the parties have agreed to extend the deadline for all of the responses to January 23, 2025, so that they have sufficient time to complete the responses and produce any responsive documents prior to the mediation scheduled for January 29, 2025.

4. Although counsel for the parties will be focused on trying to resolve the claims at mediation over the next few weeks, in the event the mediation is not successful, they have coordinated tentative deposition dates during the week of February 3, 2025 for Plaintiff and Defendant Nicalsse individually and as corporate representative of Defendant Desh Income Tax & Immigration Services. Since the current discovery cutoff is February 4, 2025, and the mediation has already been scheduled for January 29, 2025, the parties further request that the discovery deadline be extended to February 11, 2025 so that they have sufficient time to complete the depositions if the case does not settle.

5. In accordance with Federal Rule of Civil Procedure 6(b)(1)(a), the extension is sought in good faith and not for purposes of delay and Defendants have shown good cause for the extensions of time sought on behalf of all parties.

6. The undersigned had conferred with Plaintiff's counsel as noted herein and the parties agree regarding the extensions of time sought by this agreed motion to serve their discovery responses and complete depositions.

WHEEREFORE, Defendants' respectfully move for an extension of time until and including January 23, 2025 for both parties to serve their discovery responses and an additional one-week extension of the current discovery deadline, until and including February 11, 2025, so that the parties will have sufficient time to complete depositions in the event the mediation currently scheduled for January 29, 2025 does not result in a settlement.

Respectfully submitted,

Christopher C. Sharp

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Counsel for Defendants

Dated: January 17, 2025

Certificate of Service

I hereby certify that on January 17, 2025, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: Christopher C. Sharp
Christopher C. Sharp, Esq.

SERVICE LIST
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